



Crl.O.P.No.5693 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 420 and 506(ii) of IPC in Crime No.216 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with her husband had induced the defacto complainant and received a sum of Rs.7 lakhs as loan. When the defacto complainant asked for repayment, the petitioner has given a cheque which was returned as “payment stopped by drawer”. When the defacto complainant had demanded the said amount, the petitioner abused him with filthy language and also threatened him with dire consequences. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and that a case of money transaction has been falsely projected as a case of cheating. He would further submit that based on the complaint given by the defacto complainant, the petitioner's



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husband was arrested and released on bail and the petitioner, being the house wife, unnecessarily roped in this case and thereby, he would seeks grant of anticipatory bail.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that the petitioner along with her husband had induced the defacto complainant and received a sum of Rs.7 laksh as loan and later refused to return the money. When the defacto complainant asked for repayment, the petitioner along with her husband abused him with filthy language and also threatened him. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Heard both the learned counsels and perused the materials available on record.

6.Taking into consideration the facts and the submissions of the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;



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7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate-I, Salem**, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.



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[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC;

15.03.2023

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